

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-4 are pending in the application, with 1 being the sole independent claim.

No new matter has been entered by any amendments.

Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under Obviousness-Type Double Patenting

Claims 1-4 were rejected under obviousness-type double patenting as being unpatentable over claims 1-14 in U.S. Patent No. 6,803,306.

Applicant is submitting a Terminal Disclaimer concurrently herewith to overcome the double patenting rejection. Thus, Applicant respectfully requests the Examiner reconsider and withdraw the rejection.

Rejection under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-4 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,329,234 to Ma et al. ("Ma"). Applicant traverses this rejection.

Claim 1 recites at least (emphasis added) (1) forming a metal layer on a substrate; (2) forming an etch stop layer on the substrate and on the first metal layer; and (3) forming a second metal layer on the substrate and a portion of the etch stop layer.

In contrast to at least these features in claim 1, Ma requires:

1. Forming an insulator 12 on a substrate 10;
2. Forming an metal barrier layer 14 on the insulator 12;
3. **Forming a metal layer 16 on the metal barrier layer 14;**
4. Forming a silicon nitride layer 61 on the metal layer 16;
5. Forming a conductive buffer layer 84 on the silicon nitride layer 61; and
6. **Forming a metal layer 90 on the conductive buffer layer 84.**

(See FIG. 11 and text in columns 5-8 discussing elements therein). Thus, Ma requires two layers, insulator 12 and metal barrier 14, be formed between substrate 10 and metal layer 16, so the metal layer 16 cannot be on substrate 10, as is recited in claim 1. Ma also requires a conductive buffer layer 84 be formed between alleged etch stop layer 61 and metal layer 90, so metal layer 90 cannot be on either substrate 10 or the alleged etch stop layer 61, as recited in claim 1.

Therefore, Ma does not teach or suggest at least: (1) forming a metal layer on a substrate; (2) forming an etch stop layer on the substrate and on the first metal layer; and (3) forming a second metal layer on the substrate and a portion of the etch stop layer, as recited in claim 1. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 15 and find claim 15 allowable over the cited reference. Also, for at least these reasons, Applicant respectfully requests that the Examiner find dependent claims 16-18 allowable.

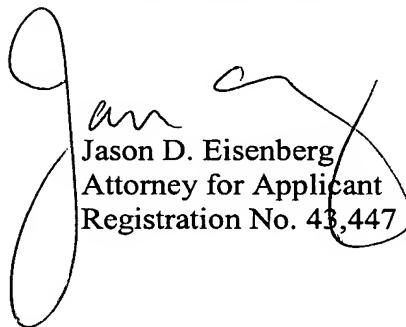
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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